



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

DEC 20 2013

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William Elson, Vice President
Fritz Products, Incorporated
255 Marion Road
River Rouge, Michigan, 48218

Re: Finding of Violation
Fritz Products, River Rouge, Michigan

Dear Mr. Elson:

The U.S. Environmental Protection Agency is issuing the enclosed Notice and Finding of Violation (NOV/FOV) to Fritz Products, Inc. (Fritz or you) under Sections 113(a)(1) and (3) of the Clean Air Act (the Act), 42 U.S.C. § 7413(a)(1) and (3). We find that at your River Rouge, Michigan facility, Fritz has violated the National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production, 40 C.F.R. Part 63, Subpart RRR, Title V of the Act, 42 U.S.C. § 7661 et seq., and the Michigan State Implementation Plan.

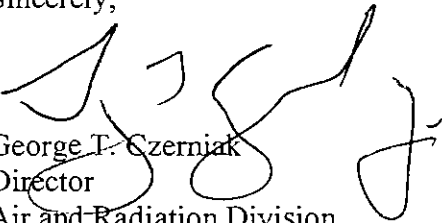
Section 113 of the Act, 42 U.S.C. § 7413, gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Katharina Bellairs. You may call her at (312) 353-1669 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



George T. Czerniak
Director
Air and Radiation Division

cc: Teresa Seidel, District Supervisor

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Fritz Products, Inc.

255 Marion Road

River Rouge, Michigan

Proceedings Pursuant to

Section 113(a)(1) and (3) of the

Clean Air Act, 42 U.S.C. § 7413(a)(3)

)
) **NOTICE AND FINDING OF
VIOLATION**

) **EPA-5-14-MI-04**
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NOTICE AND FINDING OF VIOLATION

The U.S. Environmental Protection Agency is issuing this Notice and Finding of Violation under Sections 113(a)(1) and (3) of the Clean Air Act (the Act), 42 U.S.C. § 7413(a)(1) and (3). EPA finds that Fritz Products, Inc. (Fritz) has violated the National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production, 40 C.F.R. Part 63, Subpart RRR (Subpart RRR NESHAP), Title V of the Act, 42 U.S.C. § 7661 et seq., and the Michigan State Implementation Plan as follows:

Statutory and Regulatory Background

Subpart RRR NESHAP

1. Pursuant to 40 C.F.R. § 63.1500(a), the requirements of the Subpart RRR NESHAP apply to the owner or operator of each secondary aluminum production facility.
2. Under 40 C.F.R. § 63.1503, a "secondary aluminum production facility" is defined as any establishment using clean charge, aluminum scrap, or dross from aluminum production, as the raw material and performing one or more of the following processes: scrap shredding, scrap drying/delacquering/decoating, thermal chip drying, furnace operations (that is, melting, holding, sweating, refining, fluxing, or alloying), recovery of aluminum from dross, in-line fluxing, or dross cooling.
3. Pursuant to 40 C.F.R. § 63.1500(b) the requirements of the Subpart RRR NESHAP apply to secondary aluminum production units located at a secondary aluminum production facility that is a major source of hazardous air pollutants (HAPs) as defined in § 63.2.
4. Under 40 C.F.R. § 63.2, a "major source" is defined as any stationary source that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year (tpy) or more of any hazardous air pollutant or 25 tpy or more of any combination of hazardous air pollutants.

5. Pursuant to 40 C.F.R. § 63.2, a “[h]azardous air pollutant means any air pollutant listed in or pursuant to section 112(b) of the Act.”
6. Dioxin and furans (D/F) and hydrochloric acid (HCl) are hazardous air pollutants under Section 112 of the Act, 42 U.S.C. § 7412.
7. Under 40 C.F.R. § 63.1503, a “secondary aluminum processing unit” is defined as all group 1 furnaces within a secondary aluminum production facility.
8. Under 40 C.F.R. § 63.1503 a “group 1 furnace” is defined as a furnace of any design that melts, holds, or processes aluminum that contains paint, lubricants, coatings, or other foreign materials with or without reactive fluxing, or processes clean charge with reactive fluxing.
9. Pursuant to 40 C.F.R. § 63.1501(a), the owner or operator of an existing affected source must comply with the requirements of the Subpart RRR NESHAP by March 24, 2003.
10. Pursuant to 40 C.F.R. § 63.1501(b), the owner or operator of an affected source constructed before February 11, 1999 is an existing affected source.
11. Pursuant to 40 C.F.R. § 63.1505(i)(3), on and after the compliance date of March 24, 2003, the owner or operator of a group 1 furnace must not discharge or cause to be discharged to the atmosphere emissions in excess of 15 micrograms of D/F per megagram of feed/charge (2.10×10^{-4} grains per ton).
12. Pursuant to 40 C.F.R. § 63.1500(c), the requirements of the Subpart RRR NESHAP pertaining to D/F emissions and associated operating, monitoring, reporting, and recordkeeping requirements apply to new and existing secondary aluminum processing units located at secondary aluminum production facilities that is an area source of hazardous air pollutants as defined in 40 C.F.R. § 63.2.

Title V Permitting Requirements

13. Title V of the Act, 42 U.S.C. §§ 7661 through 7661f, and its implementing regulations at 40 C.F.R. Part 70, establish an operating permit program for certain sources, including “major sources,” and other sources made subject under Section 502(a) of the Act, 42 U.S.C. § 7661a(a). The purpose of Title V is to establish a national permit program to ensure compliance with all applicable requirements of the Act.
14. Pursuant to 40 C.F.R. § 70.1(b), all sources subject to the Title V operating permit program, including “major sources,” shall have a permit to operate that assures compliance by the source with “all applicable requirements.”
15. Section 112(a)(1) of the Act, 42 U.S.C. § 7412(a)(1), and 40 C.F.R. § 70.2, define “major stationary source” as any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the

aggregate, 10 tpy or more of any hazardous air pollutant or 25 tpy or more of any combination of hazardous air pollutants..

16. Pursuant to Section 503 of the Act, 42 U.S.C. § 7661b, and 40 C.F.R. § 70.5(a), every owner or operator of a Part 70 source is required to timely submit an accurate and complete Title V permit application, including information required to be submitted with the application.
17. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b), state that no Part 70 source may operate after the time it is required to submit a timely and complete application under an approved permit program, except in compliance with a permit issued under a Part 70 program. 40 C.F.R. § 70.3 provides that the requirements of Part 70 apply to any "major source" located in a state that has received whole or partial approval of its Title V program.

Michigan Title V Permitting Requirements

18. EPA promulgated final interim approval of Michigan's Title V program on January 10, 1997. See 62 Fed. Reg. 1387 (effective February 10, 1997). EPA promulgated approval of Michigan's Title V program on December 4, 2001. See 66 Fed. Reg. 62949 (effective November 30, 2001).
19. The Michigan regulations governing the Title V permitting program are codified at Mich. Admin. Code R 336, and are federally enforceable pursuant to Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3).
20. Pursuant to Mich. Admin. Code R 336.1211(1)(a), a stationary source is required to obtain a Title V permit if it is a "major source" as defined under section 112 of the Act.
21. Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), provides in part that if the Administrator finds that a person has violated, or is in violation of any requirement or prohibition of any rule . . . promulgated . . . under . . . [Title I or Title V of the Act], the Administrator may issue an administrative penalty order under Section 113(d), 42 U.S.C. 7413(d), issue an order requiring compliance with such requirement or prohibition, or bring a civil action pursuant to Section 113(b), 42 U.S.C. 7413(b), for injunctive relief and/or civil penalties.

Factual Allegations

22. Fritz owns and operates a secondary aluminum production facility at 255 Marion Road, River Rouge, Michigan (the facility).
23. On May 25, 2001, the Michigan Department of Environmental Quality (MDEQ) issued Permit to Install (PTI) 15-01 to Fritz for the facility.
24. Under Special Conditions Paragraph 4 of PTI 15-01, at the facility, Fritz must limit its HCl emissions to less than 0.3 tpy.

25. On October 12, 2012, the MDEQ issued PTI 15-01A to Fritz for the facility.
26. Under Section FG Facility I.7 of PTI 15-01A, at the facility, Fritz must limit its individual HAP emissions to less than 10 tpy.
27. Fritz has a 130,000 pound capacity reverberatory furnace that processes unclean charge.
28. The facility was in operation before February 11, 1999.
29. On January 17, 2003, Fritz sent a letter to MDEQ stating that Fritz would undergo compliance testing for D/F in accordance with the area source provisions of the Subpart RRR NESHAP.
30. On July 7, 2011, Fritz conducted a performance test to determine D/F emissions from its stack attached to the group 1 furnace baghouse.
31. The results of the July 7, 2011, performance test demonstrated D/F emission rates averaging 2.17×10^{-4} grains D/F per TEQ/ton of raw material feed.
32. Until November 2012, Fritz operated intermittent lime injection at its facility. After November 2012, Fritz has operated continuous lime injection at its facility.
33. On August 28, 2013, Fritz conducted a performance test to determine its HCl emissions from its stack attached to the group 1 furnace baghouse.
34. The results of the August 28, 2013, performance test demonstrated HCl emission rates averaging 4.22 lb/hr.
35. When extrapolated to an annual rate, the August 23, 2013 performance test HCl emission rate would equate to annual HCl emissions of 18.48 tpy from the facility.

Violations

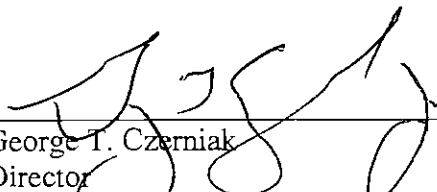
36. Fritz has a 130,000 pound capacity reverberatory furnace that is a group 1 furnace, as defined at 40 C.F.R. § 63.1503.
37. Fritz violated the D/F emission limit of 2.10×10^{-4} grains D/F per TEQ/ton of raw material feed, in violation of 40 C.F.R. § 63.1505(i)(3), and Section 112 of the Act, 42 U.S.C. 7412.
38. At the facility, Fritz has emitted greater than 10 tpy of HCl, a HAP.
39. Fritz is a major source of HAPs, as defined at 40 C.F.R. § 63.2, Section 112(a)(1) of the Act, 42 U.S.C. § 7412(a)(1), and 40 C.F.R. § 70.2.

40. Fritz has failed to comply with the major source provisions of Subpart RRR NESHAP, in violation of 40 C.F.R § 63.1500, and Section 112 of the Act, 42 U.S.C. § 7412.
41. Fritz has failed to submit a timely and complete Title V permit application with information concerning all applicable requirements, including, but not limited to, the facility's major source status for HAPs, in violation of Section 502 of the Act, 42 U.S.C. § 7661a, and the implementing regulations at 40 C.F.R. Part 70.

Environmental Impact of Violations

42. The above-referenced violations may, will or have caused excess emissions of HAPs.
43. Excess HAP emissions can cause serious health effects, such as birth defects and cancer, and harmful environmental and ecological effects.

12/20/13
Date


George T. Czerniak
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Finding of Violation by Certified Mail, Return Receipt

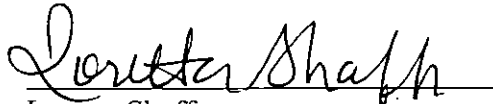
Requested, to:

William Elson, Vice President
Fritz Products
255 Marion Road
River Rouge, Michigan, 48218

I also certify that I sent a copy of the Finding of Violation by First Class Mail to:

Teresa Seidel, District Supervisor
Michigan Department of Environmental Quality
Southeast Michigan District Office
27700 Donald Court
Warren, Michigan 48092-2793

on the 23 day of December 13.


Loretta Shaffer
Office Automation Assistant
AECAB (PAS)

Certified Mail Receipt Number: 70091680 0000 7669 6357